

Docket No.: 3535-0140PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Thorvaldur TRYGGVASON

Application No.: 10/533,418

Confirmation No.: 4166

Filed: April 29, 2005

Art Unit: 2841.

For: Refuse Collecting Apparatus for a Refuse
Collecting Vehicle

Examiner: Not Yet Assigned

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

MS PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Missing Requirements dated September 22, 2005, a copy of which is attached, it is respectfully submitted that an executed Declaration was previously provided to the U.S. Patent and Trademark Office by the International Bureau.

Attached hereto is a copy of the executed Declaration, which is found in Box VIII-4-1 of the PCT Request form. Also attached is a copy of the PCT/IB/308 form, showing that a copy of the International PCT Application was communicated to the U.S. Patent and Trademark Office by the International Bureau as of May 13, 2004. The copy of the International PCT Application communicated to the U.S. Patent and Trademark Office by the International Bureau would have included the complete Request form.

The U.S. Patent and Trademark Office's attention is drawn to Chapter V, paragraph 102D of the PCT Applicant's Guide, which sets forth in part (emphasis added):

"102D. How do designated Offices receive the declarations relevant to them? For all declarations except that relating to non-prejudicial disclosures and exceptions to lack of novelty, the International Bureau will communicate to each designated Office concerned copies of the

relevant declarations made by the applicant, at the time of the communication of the international application (see paragraph 319).”

In addition, PCT Rule 47.1(a^{ter}) sets forth:

“The notification under paragraph (a^{bis}) shall include any declaration referred to in **Rule 4.17(i) to (iv)**, and any correction thereof under **Rule 26^{ter}.1**, which was received by the International Bureau before the expiration of the time limit under **Rule 26^{ter}.1**, provided that the designated Office has informed the International Bureau that the applicable national law requires the furnishing of documents or evidence relating to the matter to which the declaration relates.”

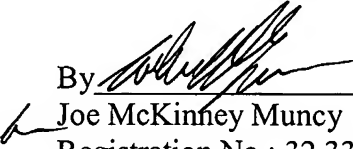
Accordingly, as set forth in the PCT Applicant's Guide and PCT Rule 47.1, the copy of the International PCT Application communicated to the U.S. Patent and Trademark Office by the International Bureau would have included the Declaration.

It is therefore respectfully submitted that the Notification of Missing Requirements has been issued in error and should be withdrawn. No fee for late submission of the Declaration should be due. Prompt issuance of a Notification of Acceptance, indicating that all filing requirements were met as of the April 29, 2005 date of entry into the National Stage, is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: October 25, 2005

Respectfully submitted,

By  ROBERT F. GAUSE

Joe McKinley Muncy

Registration No.: 32,334

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Attachment(s)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/533,418	Thorvaldur TRYGGVASON	3535-0140PUS1

INTERNATIONAL APPLICATION NO.

PCT/IS03/00033

I.A. FILING DATE	PRIORITY DATE
10/30/2003	10/30/2002

2292

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DOCKETED
Perfect
 11/22/2005

CONFIRMATION NO. 4166

371 FORMALITIES LETTER



OC000000017071373

Date Mailed: 09/22/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 04/29/2005
- Copy of the International Search Report filed on 04/29/2005
- Copy of IPE Report filed on 04/29/2005
- Preliminary Amendments filed on 04/29/2005
- U.S. Basic National Fees filed on 04/29/2005
- Priority Documents filed on 04/29/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$65** for a Small Entity:

- **\$65** Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FRANCINE YOUNG

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PART 1 - ATTORNEY/APPLICANT COPY

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10/533,418	PCT/IS03/00033	3535-0140PUS1